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19–23 February 2018
Agenda item 4
Report of the Advisory Committee on its twentieth session

Report of the Advisory Committee on its twentieth session

Rapporteur: Imeru Tamrat Yigezu

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Contents

		Page
I.	Action taken by the Advisory Committee at its twentieth session	3
II.	Adoption of the agenda and organization of work	8
	A. Opening and duration of the session	8
	B. Composition of the Advisory Committee	8
	C. Attendance	8
	D. Meetings	8
	E. Election of officers	9
	F. Adoption of the agenda	9
	G. Organization of work	9
III.	Requests addressed to the Advisory Committee stemming from Human Rights Council resolutions and currently under consideration	9
IV.	Implementation of sections III and IV of the annex to Human Rights Council resolution 5/1 of 18 June 2007, and of section III of the annex to Human Rights Council resolution 16/21 of 25 March 2011	11
	A. Review of methods of work	11
	B. Agenda and annual programme of work, including new priorities	11
V.	Report of the Advisory Committee on its twentieth session	11
Annexes		
I.	Documents issued for the twentieth session of the Advisory Committee	12
II.	List of speakers	13
III.	Letter dated 5 March 2018 from the Chair of the Advisory Committee addressed to the President of the Human Rights Council	15
IV.	Research proposal	17

I. Action taken by the Advisory Committee at its twentieth session

20/1. Activities of vulture funds and their impact on human rights

The Human Rights Council Advisory Committee,

Recalling Human Rights Council resolution 34/3 of 23 March 2017, in which the Council took note with appreciation of the progress report of the Advisory Committee on the activities of vulture funds and their impact on human rights,[1] and requested the Committee to present a final report thereon to the Council at its thirty-ninth session for its consideration,

Recalling also that, at its nineteenth session, the Advisory Committee established a drafting group, currently composed of Ibrahim Abdulaziz Alsheddi, Mario Luis Coriolano (Chair), Ion Diaconu, Mikhail Lebedev and Jean Ziegler (Rapporteur), and Mohamed Bennani, who joined the drafting group at the current session,

1. *Notes* that the drafting group and the Advisory Committee held meetings to discuss the topic;

2. *Requests* the drafting group to present a draft final report to the Advisory Committee at its twenty-first session, taking into account the replies to the note verbale distributed after the discussion held at the current session;

3. *Recommends* that the Human Rights Council extend the time scheduled to allow for better informed work, and that it request the Advisory Committee to submit its final report to the Council at its forty-first session;

4. *Also recommends* that the Human Rights Council consider adopting the following decision:

"The Human Rights Council takes note of the recommendation of the Advisory Committee on the progress of work on the report on the activities of vulture funds and their impact on human rights, and requests the Committee to submit the final report to the Council at its forty-first session."

7th meeting
23 February 2018

[Adopted without a vote.]

20/2. Negative impact of the non-repatriation of funds of illicit origin on the enjoyment of human rights

The Human Rights Council Advisory Committee,

Recalling Human Rights Council resolution 34/11 of 23 March 2017, in which the Council requested the Advisory Committee to conduct a study, in continuation of the study requested by the Council in its resolution 31/22 of 24 March 2016, on the possibility of utilizing non-repatriated illicit funds, including through monetization and/or the establishment of investment funds, while completing the necessary legal procedures, and in accordance with national priorities, with a view to supporting the achievement of the Goals

[1] A/HRC/33/54.

of the 2030 Agenda for Sustainable Development, contributing to the enhancement of the promotion of human rights and in accordance with obligations under international human rights law, and to submit the requested study to the Council at its thirty-ninth session,

Recalling also that, at its nineteenth session, the Advisory Committee established a drafting group, currently composed of Ibrahim Abdulaziz Alsheddi, Mario Luis Coriolano, Mikhail Lebedev, Mona Omar and Changrok Soh, and Ludovic Hennebel, Ajai Malhotra, Dheerujlall Baramlall Seetulsingh and Jean Ziegler, who joined the drafting group at the current session,

1. *Notes* that the drafting group newly elected Mr. Malhotra as Chair and Mr. Seetulsingh as Rapporteur;

2. *Also notes* that the drafting group and the Advisory Committee held meetings to discuss the topic;

3. *Further notes* the highly specific and complex character of the mandate;

4. *Requests* the drafting group to present a preliminary outline of the study to the Advisory Committee at its twenty-second session, taking into account the replies to the note verbale distributed after the discussion held at the current session;

5. *Recommends* that the Human Rights Council extend the time scheduled to allow for better informed work, and that it request the Advisory Committee to submit the study to the Council at its forty-second session;

6. *Also recommends* that the Human Rights Council consider adopting the following decision:

"*The Human Rights Council*,

Taking note of the recommendation of the Advisory Committee relating to its mandate on the negative impact of the non-repatriation of funds of illicit origin on the enjoyment of human rights, pursuant to the Human Rights Council resolution 34/11 of 23 March 2017,

Requests the Advisory Committee to submit to the Human Rights Council at its forty-second session the study on the possibility of utilizing non-repatriated illicit funds, including through monetization and/or the establishment of investment funds, while completing the necessary legal procedures, and in accordance with national priorities, with a view to supporting the achievement of the Goals of the 2030 Agenda for Sustainable Development, contributing to the enhancement of the promotion of human rights and in accordance with obligations under international human rights law."

7th meeting
23 February 2018

[Adopted without a vote.]

20/3. Negative effects of terrorism on the enjoyment of human rights

The Human Rights Council Advisory Committee,

Recalling Human Rights Council resolution 34/8 of 23 March 2017, in which the Council requested the Advisory Committee to conduct a study and prepare a report on the negative effects of terrorism on the enjoyment of all human rights and fundamental freedoms, with a particular focus on economic, social and cultural rights, including as a result of diverting foreign direct investment, reducing capital inflows, destroying infrastructure, limiting foreign trade, disturbing financial markets, negatively affecting certain economic sectors and impeding economic growth, and to recommend actions to be

taken by Governments, United Nations human rights mechanisms, regional and international organizations and civil society organizations in this regard, and to present the report to the Council at its thirty-ninth session, to be discussed during the interactive dialogue,

Recalling also that, at its nineteenth session, the Advisory Committee established a drafting group, currently composed of Lazhari Bouzid, Mario Luis Coriolano, Ion Diaconu, Karla Hananía de Varela, Mikhail Lebedev, Xinsheng Liu, Mona Omar (Rapporteur) and Katharina Pabel (Chair), and Ludovic Hennebel, Ajai Malhotra and Elizabeth Salmón, who joined the drafting group at the current session,

1. *Takes note* of the draft preliminary report prepared by the Rapporteur;[2]

2. *Notes* that the drafting group and the Advisory Committee held meetings to discuss the topic;

3. *Welcomes* the active participation of external experts in the discussion and the very rich exchange of views, and notes that the discussion provided valuable input that will assist the task of the drafting group;

4. *Requests* the drafting group to submit a progress report to the Advisory Committee at its twenty-first session, taking into account the replies to the note verbale distributed after the discussion held at its current session, and with a view to submitting the report to the Human Rights Council at its forty-second session;

5. *Encourages* the various stakeholders to contribute to the work under way;

6. *Recommends* that the Human Rights Council extend the time scheduled to allow for better informed work, and that it request the Advisory Committee to submit the final study to the Council at its forty-second session;

7. *Also recommends* that the Human Rights Council consider adopting the following decision:

"The Human Rights Council takes note of the recommendation of the Advisory Committee on the progress of work on the report on the negative effects of terrorism on the enjoyment of all human rights and fundamental freedoms, and requests the Committee to submit the final study to the Council at its forty-second session."

7th meeting
23 February 2018

[Adopted without a vote.]

20/4. Regional arrangements for the promotion and protection of human rights

The Human Rights Council Advisory Committee,

Recalling Human Rights Council decision 32/115 of 30 June 2016, in which the Council requested the Advisory Committee to prepare a report on regional arrangements for the promotion and protection of human rights, in particular on the progress made in the establishment of regional and subregional arrangements for the promotion and protection of human rights, and their achievements in all regions of the world, and on the role played by the Office of the United Nations High Commissioner for Human Rights, as well as on the role that it can play in the future in advancing cooperation between international and regional human rights mechanisms, and to identify ways to increase the role that regional arrangements play in promoting and protecting human rights and to reinforce universal

[2] A/HRC/AC/20/CRP.1.

human rights standards, including as contained in international human rights instruments, and to submit the report to the Council before its thirty-ninth session,

Recalling also that the Human Rights Council encouraged the Advisory Committee, when preparing the above-mentioned report, to take into account the views of Member States, as appropriate, relevant international and regional organizations, the Office of the High Commissioner, national human rights institutions and non-governmental organizations and other relevant stakeholders,

Recalling further that, at its seventeenth session, the Advisory Committee established a drafting group, currently composed of Mohamed Bennani, Mario Luis Coriolano, Mikhail Lebedev, Xinsheng Liu, Kaoru Obata, Katharina Pabel (Chair), Changrok Soh (Rapporteur) and Imeru Tamrat Yigezu, and Ludovic Hennebel, Ajai Malhotra, Elizabeth Salmón and Dheerujlall Baramlall Seetulsingh, who joined the drafting group at the current session,

1. *Takes note* of the draft preliminary report on regional arrangements for the promotion and protection of human rights submitted by the drafting group at its twentieth session;[3]

2. *Requests* the drafting group to submit a final report to the Advisory Committee at its twenty-first session, taking into account the discussions held at the present session, with a view to submitting the final report to the Human Rights Council at its thirty-ninth session.

7th meeting
23 February 2018

[Adopted without a vote.]

20/5. National policies and human rights

The Human Rights Council Advisory Committee,

Recalling Human Rights Council resolution 35/32 of 23 June 2017, in which the Council requested the Advisory Committee to prepare a study that could help States to implement the 2030 Agenda for Sustainable Development by integrating human rights into national policies on the basis of the compilation prepared by the United Nations High Commissioner for Human Rights, and to present it within its regular reporting cycle to the Council at its forty-fifth session, on the occasion of the fifth anniversary of the adoption of the 2030 Agenda,

Recalling also that, at its nineteenth session, the Advisory Committee established a drafting group, currently composed of Mario Luis Coriolano, Ion Diaconu (Rapporteur), Karla Hananía de Varela, Kaoru Obata, Mona Omar, Katharina Pabel and Changrok Soh (Chair), and Ludovic Hennebel, Ajai Malhotra, Dheerujlall Baramlall Seetulsingh and Elizabeth Salmón, who joined the drafting group at the current session,

1. *Notes* that the drafting group and the Advisory Committee held meetings to discuss the topic;

2. *Welcomes* the active participation of external experts in the discussion and the very rich exchange of views, and notes that the discussion provided valuable input that will assist the task of the drafting group;

3. *Takes note* of the preliminary outline of the study submitted by the drafting group at the twentieth session of the Advisory Committee;

[3] A/HRC/AC/20/CRP.2.

4. *Invites* the drafting group to continue intersessional discussions and to inform the Advisory Committee at its twenty-first session on its activities related to the preparation of the report to be submitted to the Human Rights Council for adoption at its forty-fifth session;

5. *Requests* the drafting group to submit an updated preliminary outline to the Advisory Committee at its twenty-first session.

7th meeting
23 February 2018

[Adopted without a vote.]

20/6. Contribution of development to the enjoyment of all human rights

The Human Rights Council Advisory Committee,

Recalling Human Rights Council resolution 35/21 of 22 June 2017, in which the Council requested the Advisory Committee to conduct a study on the ways in which development contributes to the enjoyment of all human rights by all, in particular on best experiences and practices, and to submit the report to the Council before its forty-first session,

Recalling also that, at its nineteenth session, the Advisory Committee established a drafting group, currently composed of Mohamed Bennani, Lazhari Bouzid, Mario Luis Coriolano, Mikhail Lebedev (Rapporteur), Xinsheng Liu (Chair), Changrok Soh, Imeru Tamrat Yigezu and Jean Ziegler, and Ajai Malhotra and Dheerujlall Baramlall Seetulsingh, who joined the drafting group at the current session,

1. *Takes note* of the draft report prepared by the Rapporteur which includes the replies to the questionnaire distributed after the discussion held at the nineteenth session of the Committee;[4]

2. *Notes* that the drafting group and the Advisory Committee held meetings to discuss the topic;

3. *Welcomes* the active participation of external experts in the discussion and the very rich exchange of views, and notes that the discussion provided valuable input that will assist the drafting group in its task;

4. *Requests* the drafting group to recirculate the questionnaire to seek the views of States, as appropriate, relevant international and regional organizations, national human rights institutions and non-governmental organizations and other stakeholders that did not respond to the questionnaire, and invites them to provide input concerning best experiences and practices of contribution of development to the enjoyment of human rights, as well as challenges, conclusions and recommendations drawn from such experiences and practices;

5. *Also requests* the drafting group to submit a progress report to the Advisory Committee at its twenty-first session with a view to submitting the report to the Human Rights Council at its forty-first session, taking into account the new input received following the discussion at the twentieth session of the Committee;

6. *Encourages* the various stakeholders to contribute to the work under way.

7th meeting
23 February 2018

[Adopted without a vote.]

[4] A/HRC/AC/20/CRP.3.

II. Adoption of the agenda and organization of work

A. Opening and duration of the session

1. The Human Rights Council Advisory Committee, established pursuant to Human Rights Council resolution 5/1 of 18 June 2007, held its twentieth session at the United Nations Office at Geneva from 19 to 23 February 2018. The session was opened by the Chair of the nineteenth session, Mikhail Lebedev.

2. At its 1st meeting, on 19 February 2018, the President of the Human Rights Council, Vojislav Šuc, made an opening statement.

3. At the same meeting, the Director of the Human Rights Council and Treaty Mechanisms Division of the Office of the United Nations High Commissioner for Human Rights (OHCHR) made a statement on behalf of the High Commissioner.

4. Also at the same meeting, participants observed a minute of silence for the victims of human rights violations around the world.

B. Composition of the Advisory Committee

5. The membership of the Advisory Committee is as follows:[5] Ibrahim Abdulaziz Alsheddi (Saudi Arabia, 2018); Mohamed Bennani (Morocco, 2020); Lazhari Bouzid (Algeria, 2019); Mario Luis Coriolano (Argentina, 2018); Ion Diaconu (Romania, 2020); Carla Hananía de Varela (El Salvador, 2019); Ludovic Hennebel (Belgium, 2020); Mikhail Lebedev (Russian Federation, 2019); Xinsheng Liu (China, 2019); Ajai Malhotra (India, 2020); Kaoru Obata (Japan, 2019); Mona Omar (Egypt, 2019); Katharina Pabel (Austria, 2018); Elizabeth Salmón (Peru, 2020); Dheerujlall Baramlall Seetulsingh (Mauritius, 2020); Changrok Soh (Republic of Korea, 2020); Imeru Tamrat Yigezu (Ethiopia, 2018); and Jean Ziegler (Switzerland, 2019).

C. Attendance

6. The session was attended by members of the Advisory Committee and observers for States Members of the United Nations, as well as non-governmental organizations.

7. All members of the Advisory Committee participated in the session, with the exception of Carla Hananía de Varela, who was excused.

D. Meetings

8. At its twentieth session, the Advisory Committee held seven plenary meetings and eight closed meetings. Private meetings were held by the drafting groups on the activities of vulture funds and their impact on human rights, the negative impact of the non-repatriation of funds of illicit origin on the enjoyment of human rights, the negative effects of terrorism on the enjoyment of human rights, regional arrangements for the promotion and protection of human rights, national policies and human rights and the contribution of development to the enjoyment of all human rights. The Committee also held private meetings with the Working Group on Communications and the Human Rights Council Bureau, and with regional and political group coordinators. The Committee also held a public meeting with representatives of non-governmental organizations.

[5] Years in parentheses indicate the expiry of the terms of office (terms of office end on 30 September).

E. Election of officers

9. In accordance with rule 103 of the rules of procedure of the General Assembly and rule 5 of the rules of procedure of the Advisory Committee, the following officers were elected by acclamation at the first meeting of the twentieth session, held on 19 February 2018:

Chair:	Katharina Pabel
Vice-Chairs:	Changrok Soh
	Mario Luis Coriolano
	Imeru Tamrat Yigezu
	Ion Diaconu
Rapporteur:	Imeru Tamrat Yigezu

F. Adoption of the agenda

10. At its first meeting, on 19 February 2018, the Advisory Committee adopted its agenda (A/HRC/AC/20/1) (for the list of documents issued for the twentieth session, see annex I).

G. Organization of work

11. At its first meeting, on 19 February 2018, the Advisory Committee adopted the draft programme of work prepared by the secretariat.

III. Requests addressed to the Advisory Committee stemming from Human Rights Council resolutions and currently under consideration

1. Integration of the perspective of persons with disabilities

12. At the 1st meeting, on 19 February 2018, a representative of the Special Procedures Branch of OHCHR gave a presentation on the issue of the integration of the perspective of persons with disabilities by the Advisory Committee in its studies, in accordance with Human Rights Council resolution 7/9. During the ensuing discussion, statements were made by members of the Committee (see annex II).

2. Activities of vulture funds and their impact on human rights

13. At its 2nd meeting, on 19 February 2018, the Advisory Committee, pursuant to Human Rights Council resolution 34/3, held a discussion on the activities of vulture funds and their impact on human rights. During the discussion, statements were made by members of the Committee and a representative of an observer State (see annex II).

3. Negative impact of the non-repatriation of funds of illicit origin on the enjoyment of human rights

14. At its 2nd meeting, on 19 February 2018, the Advisory Committee, pursuant to Human Rights Council resolutions 31/22 and 34/11, held a discussion on the negative impact of the non-repatriation of funds of illicit origin on the enjoyment of human rights.

During the discussion, statements were made by members of the Committee and representatives of observer States (see annex II).

4. Negative effects of terrorism on the enjoyment of all human rights

15. At its 3rd and 4th meetings, on 20 February 2018, the Advisory Committee, pursuant to Human Rights Council decision 34/8, held a discussion on the negative effects of terrorism on the enjoyment of all human rights and fundamental freedoms. The Rapporteur of the drafting group, Mona Omar, presented a draft report (A/HRC/AC/20/CRP.1). In this context, the Director of the Counter-Terrorism Implementation Task Force and the Counter-Terrorism Centre under the Office of Counter-Terrorism gave a presentation via video conference. A further presentation on the topic was given by a representative of the Rule of Law and Democracy Section of OHCHR. During the ensuing discussion, statements were made by members of the Advisory Committee and representatives of observer States (see annex II). The Director of the Counter-Terrorism Implementation Task Force and the Counter-Terrorism Centre under the Office of Counter-Terrorism and the representative of the Rule of Law and Democracy Section made concluding remarks.

5. Regional arrangements for the promotion and protection of human rights

16. At its 4th meeting, on 20 February 2018, the Advisory Committee, pursuant to Human Rights Council decision 32/115, held a discussion on regional arrangements for the promotion and protection of human rights. In this context, the Executive Secretary of the Inter-American Commission on Human Rights gave a presentation via video conference. The Chief of the National Institutions, Regional Mechanisms and Civil Society Section of the Field Operations and Technical Cooperation Division of OHCHR and a representative of OHCHR also each gave a presentation on the topic. The Rapporteur of the drafting group, Changrok Soh, presented a draft preliminary report (A/HRC/AC/20/CRP.2). During the ensuing discussion, statements were made by members of the Committee and a representative of an observer State (see annex II).

6. National policies and human rights

17. At its 5th meeting, on 21 February 2018, the Advisory Committee, pursuant to Human Rights Council resolution 35/32, held a discussion on national policies and human rights and the Sustainable Development Goals. The Rapporteur of the drafting group, Ion Diaconu, presented the preliminary structure of the report. In this context, a representative of the Sustainable Development Section of OHCHR gave a presentation via video conference. During the ensuing discussion, statements were made by members of the Committee and a representative of an observer State (see annex II). The representative of the Sustainable Development Section subsequently made concluding remarks.

7. Contribution of development to the enjoyment of all human rights

18. At its 5th meeting, on 21 February 2018, the Advisory Committee, pursuant to Human Rights Council resolution 35/21, held a discussion on the contribution of development to the enjoyment of all human rights. The Rapporteur of the drafting group, Mikhail Lebedev, presented a draft report (A/HRC/AC/20/CRP.3). In this context, the representative of the Deputy Executive Director of the South Centre, Vicente Yu also gave a presentation. During the ensuing discussion, statements were made by members of the Committee and representatives of observer States (see annex II). Also, a representative of the OHCHR participated in the discussion. Mr. Yu subsequently made concluding remarks.

IV. Implementation of sections III and IV of the annex to Human Rights Council resolution 5/1 of 18 June 2007, and of section III of the annex to Human Rights Council resolution 16/21 of 25 March 2011

A. Review of methods of work

19. On 21 February 2018 and 22 February 2018, the Advisory Committee, in closed meetings, held a discussion on its methods of work, including proposals made by Mr. Coriolano. In this context, it was agreed that during intersessional periods the Bureau of the Advisory Committee should encourage cooperation among experts.

B. Agenda and annual programme of work, including new priorities

20. At its 6th meeting, on 22 February 2018, the Advisory Committee held a discussion on reflection papers and research proposals. Members of the Committee presented the following draft reflection papers and research proposals for consideration by the Committee:

- Access to justice (Mario Luis Coriolano);
- Digital transformation: the impact of new technologies on human rights (Changrok Soh);
- Economic, social and cultural rights in the agenda of international jurisdictions (Ion Diaconu).

21. Following the discussions, the Chair of the Committee addressed a letter to the President of the Human Rights Council (see annex III) to submit, inter alia, a research proposal to the Human Right Council on the theme "Digital transformation: the impact of new technologies on human rights" (see annex IV).

22. At the same meeting, the Advisory Committee requested Elizabeth Salmón to prepare a reflection paper on mainstreaming gender equality and ensuring gender parity in the Advisory Committee for consideration at its twenty-first session.

23. During the ensuing discussion, statements were made by members of the Advisory Committee and representatives of observer States (see annex I).

V. Report of the Advisory Committee on its twentieth session

24. At the 7th meeting, on 23 February 2018, the Rapporteur of the Advisory Committee presented the draft report of the Committee on its twentieth session. The Committee adopted the draft report ad referendum and decided to entrust the Rapporteur with its finalization.

25. At the same meeting, Mario Luis Coriolano, Ion Diaconu, Xinsheng Liu, Dheerujlall Baramlall Seetulsingh and Jean Ziegler made closing statements. Following the usual exchange of courtesies, the Chair made final remarks and declared the twentieth session of the Advisory Committee closed.

Annex I

Documents issued for the twentieth session of the Advisory Committee

Documents issued in the general series

Symbol	*Agenda item*	
A/HRC/AC/20/1	1	Provisional agenda and annotations
A/HRC/AC/20/2	5	Report of the Advisory Committee on its twentieth session

Documents issued in the limited series

Symbol	*Agenda item*	
A/HRC/AC/20/L.1	3 (e)	Activities of vulture funds and their impact on human rights
A/HRC/AC/20/L.2	3 (g)	Negative impact of the non-repatriation of funds of illicit origin on the enjoyment of human rights
A/HRC/AC/20/L.3	3 (f)	Negative effects of terrorism on the enjoyment of all human rights
A/HRC/AC/20/L.4	3 (d)	Regional arrangements for the promotion and protection of human rights
A/HRC/AC/20/L.5	3 (i)	National policies and human rights
A/HRC/AC/20/L.6	3 (h)	Contribution of development to the enjoyment of all human rights

Annex II

List of speakers

Agenda item		*Meeting and date*	*Speakers*
3. Requests addressed to the Advisory Committee stemming from Human Rights Council resolutions			
(a) Requests currently under consideration by the Committee	(i) Integration of the perspective of persons with disabilities	1st meeting 19 February 2018	Members: Ibrahim Abdulaziz Alsheddi, Ion Diaconu, Ludovic Hennebel, Ajai Malhotra, Elizabeth Salmón, Mona Omar, Dheerujlall Baramlall Seetulsingh
	(ii) Activities of vulture funds and their impact on human rights	2nd meeting 19 February 2018	Members: Ion Diaconu, Jean Ziegler (Rapporteur) Observer State: Argentina
	(iii) Negative impact of the non-repatriation of funds of illicit origin on the enjoyment of human rights	2nd meeting 19 February 2018	Members: Ibrahim Abdulaziz Alsheddi, Lazhari Bouzid, Mario Luis Coriolano, Mona Omar, Elizabeth Salmón, Dheerujlall Baramlall Seetulsingh (Rapporteur), Changrok Soh, Jean Ziegler Observer States: Egypt, Russian Federation
	(iv) Negative effects of terrorism on the enjoyment of human rights	3rd meeting and 4th meeting 20 February 2018	Members: Lazhari Bouzid, Ion Diaconu, Ludovic Hennebel, Ajai Malhotra, Mona Omar (Rapporteur), Elizabeth Salmón, Dheerujlall Baramlall Seetulsingh Observer States: Egypt, Russian Federation

Agenda item		*Meeting and date*	*Speakers*
	(v) Regional arrangements for the promotion and protection of human rights	4th meeting 20 February 2018	Members: Lazhari Bouzid, Mario Luis Coriolano, Ludovic Hennebel, Ajai Malhotra, Kaoru Obata, Mona Omar, Dheerujlall Baramlall Seetulsingh, Changrok Soh (Rapporteur) Observer State: Venezuela (the Bolivarian Republic of)
	(vi) National policies and human rights	5th meeting 21 February 2018	Members: Lazhari Bouzid, Mario Luis Coriolano, Ion Diaconu (Rapporteur), Ajai Malhotra, Elizabeth Salmón, Dheerujlall Baramlall Seetulsingh Observer State: Peru
	(vii) Contribution of development to the enjoyment of all human rights	5th meeting 21 February 2018	Members: Mario Luis Coriolano, Ion Diaconu, Ludovic Hennebel, Mikhail Lebedev (Rapporteur), Xinsheng Liu(Chair), Ajai Malhotra, Kaoru Obata, Dheerujlall Baramlall Seetulsingh Observer States: Bolivia, China
3. Implementation of sections III and IV of the annex to Human Rights Council resolution 5/1 of 18 June 2007 and section III of the annex to Council resolution 16/21 of 25 March 2011			
(b) Agenda and annual programme of work, including new priorities		6th meeting 22 February 2018	Members: Ibrahim Abdulaziz Alsheddi, Mohamed Bennani, Lazhari Bouzid, Mario Luis Coriolano, Ion Diaconu, Ludovic Hennebel, Ajai Malhotra, Mona Omar, Elizabeth Salmón, Dheerujlall Baramlall Seetulsingh, Changrok Soh, Imeru Tamrat Yigezu, Jean Ziegler

Annex III

Letter dated 5 March 2018 from the Chair of the Advisory Committee addressed to the President of the Human Rights Council

As Chair of the Advisory Committee, and on behalf of all the members of the Committee, I would like to express our gratitude to you and to the members of the bureau for our informal meeting held on 21 February 2018 on the margins of the twentieth session of the Committee.

The Advisory Committee is extremely appreciative of the substantive discussion held during the meeting, which was an opportunity to have a frank and fruitful dialogue with you, the Council's bureau and the coordinators of the regional and political groups.

We support any initiative that would strengthen the interaction between the Human Rights Council and the Advisory Committee, and in particular, your suggestion to hold formal and informal meetings with Member States on a regular basis. The Committee very well received your suggestion. Indeed, such meetings will provide a more effective channel of communication with States, particularly the sponsors of resolutions, and contribute to foster a continuous and informal dialogue on the current and future mandates entrusted to the Committee.

During our meeting, we also discussed the implications of paragraph 23 of General Assembly resolution 72/157 for the Advisory Committee. The Committee is of the view that following the situation of racial equality in the world is important given that millions of human beings continue to be victims of racism, racial discrimination, xenophobia and related intolerance, including their contemporary forms and manifestations, some of which manifest in violent forms.

In paragraph 23 of the resolution the General Assembly "requested the Council, through its Advisory Committee, to prepare a study on appropriate ways and means of assessing the situation, while identifying possible gaps and overlaps."

As per resolution 5/1, the Advisory Committee prepares studies only further to a specific resolution and at the request of the Human Rights Council. Accordingly, a further resolution by the Human Rights Council is necessary for the Advisory Committee to undertake such a study.

The Advisory Committee will follow closely the discussions of the Human Rights Council during its 37th session on item 9 (racism, racial discrimination, xenophobia and other related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action). We look forward to providing our expertise on the issue of racial equality in the world.

Additionally, I would like to draw your attention to the Council's required actions regarding two of the current mandates of the Advisory Committee, namely the reports on Activities on vulture funds and their impact on human rights and Negative impact of the non-repatriation of funds of illicit origin on the enjoyment of human rights.

In its report to the Human Rights Council (A/HRC/36/59), the Advisory Committee requested, through its two actions 19/4 and 19/5 contained in the document, the extension of the deadline of submission of the final report to the Human Rights Council for its mandates on Activities on vulture funds and their impact on human rights, and Negative impact of the non-repatriation of funds of illicit origin on the enjoyment of human rights, respectively. The Human Rights Council, through Presidential statement 36/1 took note of

the reports of the Advisory Committee, however, it did not formally decide on the extension of the two mandates.

It is our understanding that to obtain these extensions, the Council would need to adopt, during its plenary sessions, stand-alone decisions or resolutions including specific paragraphs in this regard submitted by States. At present, the deadlines for submitting the reports on the referred mandates remain the 39th session since no resolution no decision was submitted by States in this regard at the 36th session of the Council last September when the Advisory Committee held its interactive dialogue with the Council. We trust that you will convey our concerns to Member States and that action will be taken in the fore coming sessions of the Council to extend our mandates.

Regarding the Committee's mandate on Activities on vulture funds and their impact on human rights, we would also like to bring to your attention the fact that the Human Rights Council at its twenty-seventh session (A/HRC/RES/27/30) requested the Advisory Committee to prepare a research-based report on the activities of vulture funds and the impact on human rights. The Committee presented its final report (A/HRC/33/54) on the subject to the Human Rights Council at its 33th session.

On 23 March 2017, the Human Rights Council in its resolution 34/11 took note of the report of the Advisory committee but did not instruct on the way forward or this report. However, it requested the Advisory Committee to conduct a study "in continuation of the study requested by the HRC in its resolution 31/22".

Therefore, and taking into account that the Council at its last September session, did not advise the Advisory Committee on the steps that need to be taken with regard to the first report on vulture funds, some clarification on how to proceed with both mandates, would be highly appreciated.

We would like to reiterate our concern, as we did during our discussions, that out of the 18 experts only four were women (one from WEOG, two from Latin America and the Caribbean, and one from Africa). The Committee strongly believes that its membership should reach gender parity and that it would important to ensure gender mainstreaming in all its activities. We welcome all possible steps in order to reach these objectives would be appreciated.

Finally, further to our discussion, and in line with paragraph 77 of the annex to Council resolution 5/1, the Committee discussed the issue of research proposals and new priorities, in both its private and public meetings, I have the pleasure to transmit to you the following priority research proposal for the consideration of the Council: "Digital transformation: the impact of new technologies on human rights".

I would also like to inform you that, in addition to this research proposal, the Committee also discussed on the following topics, which it intends to discuss further at its next session, in August 2018, with a view to possibly submitting them as research proposals for the consideration of the Council:

1. Access to justice;
2. Economic, social and cultural rights in the agenda of international jurisdictions.

We look forward to receiving feedback from the Human Rights Council on the above-mentioned issues and for your consideration of the research proposals.

(Signed) Katharina Pabel
Chair
Human Rights Council Advisory Committee

Annex IV

Research proposal

Digital transformation: the impact of new technologies on human rights

The global economy is currently experiencing an unprecedented cascade of new technologies and business models. This paradigm shift, often described as the Fourth Industrial Revolution (4IR), Industry 4.0, or more generally as the "digital transformation," is characterized by the emergence of technologies such as artificial intelligence, blockchains, autonomous cars, gene-editing, and 3D printing, among others. These innovations are celebrated for boosting productivity, increasing profits, and creating whole new industries. But what about their impact on human rights?

Just as globalization exposed gaps in the human rights framework of the 1990s and early 2000s, a similar dynamic is occurring today. Indeed, we are witnessing the emergence of new digital tools and techniques of mass surveillance that allow individuals to be remotely analyzed, predicted, and possibly even manipulated with unprecedented effectiveness. The Special Rapporteur on the right to privacy, established in 2015, with a mandate that includes the "particular challenges arising in the digital age," is an important first-step in dealing with this phenomenon. However, this approach does not capture how the nature of human rights violations are changing due to the emergence of new challenges, including AI, bots, and emotional AI. We are experiencing the rise of new forms of businesses, new technologies, and deep societal change, which cannot be accurately captured by taking snapshots of specific technologies or focusing narrowly on privacy.

This proposal seeks to look more systematically at the broad spectrum of human rights implications arising from the digitalization and datafication of the global economy, which is admittedly proceeding unevenly in different regions and countries. How is the digital transformation redefining the nature of discrimination, inequality, and insecurity? What do the debates about algorithmic decision-making, big-data, blockchains, the gender digital divide, and workplace automation have in common? Does our current human rights framework adequately protect us in an era of revolutionary changes in technical capabilities to observe, manipulate, and even imitate human behavior in real-time? Such existential questions are deeply interconnected and, if we ignore them, they will be answered by default—by the private sector companies driving these innovations.

This proposal, of course, is not against these new technologies. Rather, it seeks to outline an alternative approach, one that ensures that the benefits of technology are shared and enjoyed by all. This is integral to the right to enjoy the benefits of scientific progress and its applications. As the Venice Statement stipulates, we have the right to the "enjoyment of the applications of the benefits of scientific progress" as well as the right to "protection from abuse and adverse effects of science and its applications."[a] Particularly, this study focuses on the applications part, i.e. technology, which has the most immediate impact on people's lives and where the conceptual challenges are most intractable. Everyone agrees in principle that scientific advances should benefit all of humanity, but when it comes to tangible commercial applications it is far more difficult to reach consensus. How to ensure that technology empowers people rather than dehumanizing them

[a] "Venice Statement on the Right to Enjoy the Benefits of Scientific Progress and Its Applications" (Paris: UNESCO, 2009), sec. 13) b) and 13) c).

is a key challenge, as exemplified in the case of older persons and assistive technology.[b] We employ the term, a human rights-based approach to technology, as a useful concept for turning theory into practice.[c] What are the broad contours of a human rights approach to technology in general, and how can it be tailored for specific technological assemblages, like big-data, AI, or autonomous cars? Which guidelines and best practices can be applied across a diverse range of applications and digital tools? The focus, of course, is not only on fixing looming problems, but also improving the world beyond today's baseline, i.e. sharing benefits. For example, is it possible to embed a respect for human rights directly into the technologies that we use in our daily lives, such as decision-making algorithms?

Finally, this leads to practical questions of how to best integrate the key technologies of the digital transformation with the work of human rights mechanisms and civil society. Again, the parallels with globalization are illustrative. Globalization created new human rights concerns, especially in corporate supply-chains, but also transformed how human rights organizations disseminated information and conducted campaigns. Is the human rights industry adapting to the opportunities and risks of the Fourth Industrial Revolution as quickly and efficiently as other sectors of the economy? Today's human rights defenders face an ecosystem of evolving technical threats—ranging from DDS attacks, ransomware, malware, sophisticated botnets, and predictive AI. Moreover, these technologies are often employed by non-state as well as state actors, or in ways that mask the perpetrator's real identity. A comprehensive survey of how civil society groups, international organizations, and national human rights institutions are utilizing new technologies and their responses to emerging technical threats would be an important contribution to ongoing work to promote and defend human rights in the field.

To conclude, the ongoing digital transformation of our world is having a two-faceted impact on human rights. First, it is changing the scope and nature of human rights obligations, particularly in relation to business enterprises. There needs to be more measures for transparency and accountability of businesses and other non-state actors. Second, it has the potential to transform how human rights work is performed, creating new opportunities as well as challenges for civil society, regional human rights mechanisms, and the UN system. This research project is necessary because it will outline the key human rights challenges of the digital transformation, develop the details of a human rights approach to technology, and then disseminate practical lessons regarding how these technologies can be integrated into the work of human rights organizations. The benefits of technology must be shared. Integrating human rights into the process now, when the digital transformation is still in its formative stage, is essential. It will be too difficult to retroactively reform a multiplicity of new business practices, organizational forms, and complex technologies after the fact. Imagine how history would have turned out differently if the first Industrial Revolution was nudged in a more human-friendly direction from the onset. Our generation has this opportunity.

Tentative table of contents

1. Understanding the digital transformation
    a. Definition
    b. Developing and developed country impacts
2. Emerging human rights challenges
    a. New threats

[b] A/HRC/36/48.

[c] For example, see A/HRC/35/9.

i. Datafication

ii. Privacy and mental integrity

iii. Exclusion, discrimination and marginalization

iv. Unintended consequences

b. New actors

i. Non-State

ii. Non-human

3. Human rights approach to technology

a. Design

b. Assessment

c. Implementation

4. The digital transformation in the human rights industry

a. Best practices

b. Lessons learned

5. Recommendations

6. Conclusion

Draft timetable

Session of the Advisory Committee	
Twenty-first session, August 2018	Formation of drafting committee
Twenty-second session, February 2019	Submission of preliminary report
Twenty-third session, August 2019	Submission of progress report
Twenty-fourth, February 2020	Adoption of the draft final report